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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-341

11 **IYSUS ANA LEIGH**
12 720 1st Street,
Rodeo, California 94572

A C C U S A T I O N

13 Registered Nurse License No. 475798

14 Respondent.
15

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about March 31, 1992, the Board of Registered Nursing issued
22 Registered Nurse License Number 475798 to Rachel Hamerter. Rachel Hamerter subsequently
23 changed her name to Iysus Ana Leigh (Respondent). The Registered Nurse License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2009, unless renewed.

26 3. Iysus Ana Leigh has numerous aliases besides Rachel Hamerter.
27 Respondent's aliases include but are not limited to: Rachel Jean Hamerter, Rachel Hines, Rachel
28 Jean Hines, Pauline Hines, Marsha Marsh, Martha Marsh, Rachel J. Williams, Barbara Jackson,

1 Barbara Ann-Hines Jackson, Iysus Leigh, Isus Leigh, and Lysus Leigh.

2 **JURISDICTION**

3 4. This Accusation is brought before the Board of Registered Nursing
4 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
5 references are to the Business and Professions Code unless otherwise indicated.

6 **STATUTORY PROVISIONS**

7 5. **Section 118**, subdivision (b), of the Code provides that the
8 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
9 jurisdiction to proceed with a disciplinary action during the period within which the license may
10 be renewed, restored, reissued or reinstated.

11 6. **Section 490** of the Code states:

12 "A board may suspend or revoke a license on the ground that the licensee has been
13 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
14 of the business or profession for which the license was issued. A conviction within the meaning
15 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
16 contendere. Any action which a board is permitted to take following the establishment of a
17 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
18 been affirmed on appeal, or when an order granting probation is made suspending the imposition
19 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
20 Penal Code."

21 7. **Section 2750** of the Business and Professions Code (Code) provides, in
22 pertinent part, that the Board may discipline any licensee, including a licensee holding a
23 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
24 2750) of the Nursing Practice Act.

25 8. **Section 2761** of the Code states:

26 "The board may take disciplinary action against a certified or licensed nurse or
27 deny an application for a certificate or license for any of the following:

28 "(a) Unprofessional conduct . . ."

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

9. **California Code of Regulations, title 16, section 1444, states:**

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(c) Theft, dishonesty, fraud, or deceit.”

COSTS

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

11. On or about January 18, 2007, in Contra Costa County Superior Court Case No. 292209-4, Respondent was convicted on a plea of Guilty of violating Penal Code Section 484/488, petty theft. The circumstances surrounding Respondent's conviction are as follows: On or about June 5, 2006, Respondent took several items from a Target store in El Cerrito without paying for those items.

12. On or about July 17, 2006, in Alameda County Superior Court Docket No. 77372, Respondent was convicted on a plea of Nolo Contendere of violating Penal Code 459, burglary. The circumstances surrounding Respondent's conviction are as follows: On or about December 1, 2003, Respondent attempted to cash a forged check at a Washington Mutual bank.

1 13. On or about July 14, 2006, in Alameda County Superior Court Docket No.
2 206014, Respondent was convicted on a plea of Nolo Contendere of violating Penal Code
3 484/666, petty theft with priors. The circumstances surrounding Respondent's conviction are as
4 follows: On or about October 31, 2003, Respondent took leather jackets from a Sears store
5 without paying for them. When Respondent took the jackets she had previously been convicted
6 of theft as described in paragraph 14-15, below.

7 14. On or about May 28, 2003, in Marin County Superior Court Case No.
8 CR1272494, Respondent was convicted on a plea of Guilty to violating Penal Code 490.5, theft.
9 The circumstances surrounding Respondent's conviction are as follows: On or about November
10 23, 2002, Respondent took merchandise from a Marin County merchant without paying for such
11 merchandise.

12 15. On or about May 21, 2003, in Contra Costa County Superior Court Case
13 No. 119804-3, Respondent was convicted on a plea of Nolo Contendere of violating Penal Code
14 Section 487(a), grand theft. The circumstances surrounding Respondent's conviction are as
15 follows: On or about May 10, 2003, Respondent took several items from a Nordstroms without
16 paying for those items.

17 **OTHER MATTERS**

18 16. Respondent has a history of convictions as follows:

19 a. In 1975, in Contra Costa County Superior Court Docket No 15489,
20 Respondent was convicted of violating Penal Code 484, theft.

21 b. In 1972, in Contra Costa County Superior Court Docket No
22 172101, Respondent was convicted of violating Penal Code 211, robbery.

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct)

25 17. Respondent is subject to disciplinary action under Section 2761(a) of the
26 Code in that Respondent was involved in unprofessional conduct. The circumstances are
27 described in paragraphs 11-15, above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Convictions)

3 18. Respondent is subject to disciplinary action under sections 490 and
4 2761(f) of the Code and California Code of Regulations, title 16, section 1444 in that she was
5 convicted on four separate occasions of crimes that substantially related to the qualifications,
6 functions, and duties of a registered nurse. The circumstances are set forth in paragraphs 11-15,
7 above.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 475798, issued
12 to Rachel Hamerter / Iysus Ana Leigh.
- 13 2. Ordering Rachel Hamerter / Iysus Ana Leigh to pay the Board of
14 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3;
- 16 3. Taking such other and further action as is deemed necessary and proper.
- 17

18 DATED: 6/5/08

19
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21 For RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant